

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 C.F.R. §1.53(b)

Attorney Docket: 1748X/44438DV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request for filing a \_\_\_\_\_ continuation or X  
divisional application under 37 C.F.R. 1.53(b), of pending prior  
application:

Serial No. 09/106,220  
Filed on June 29, 1998  
Of Martin SCHÜSSLER et al.  
Entitled: APPARATUS FOR PRODUCING A HYDROGEN-RICH  
AND LOW CARBON MONOXIDE GAS  
Examiner: F. VARCOE, JR.  
Group: 1764  
Batch No: W55

- X 1. Accompanying this order is a true copy of the  
prior application as originally filed.  
Total pages 16
- X 2. Formal drawings are being filed herewith  
consisting of 2 sheet(s), depicting Figures  
1-2.
- X 3. Declaration and Power of Attorney:
- a. \_\_\_\_\_ Newly executed (original or copy)
- b. X Copy from prior application
- i. \_\_\_\_\_ Deletion of Inventors - signed statement  
attached deleting inventor(s) named in the  
prior application
- X 4. Incorporation by Reference:
- The entire disclosure of the prior application,  
from which a copy of the oath or declaration is  
supplied under Box 3b, is considered as being  
part of the disclosure of the accompanying  
application and is hereby incorporated by  
reference therein.
- X 5. Cancel original claims 1-6.



- \_\_\_\_\_ 6. Small entity status:
- a. \_\_\_\_\_ A small entity statement is enclosed
- b. \_\_\_\_\_ A statement of small entity status (copy attached) was filed on \_\_\_\_\_ in the prior application and status as a small entity is still proper and desired.
- c. \_\_\_\_\_ Is no longer claimed

- X 7. The filing fee is calculated below:

CLAIMS AS FILED, INCLUDING ANY CLAIMS  
CANCELLED OR ADDED BY PRELIMINARY AMENDMENT

Basic Fee		\$355		\$710
Total Claims	<u>5</u> - 20 = <u>0</u>	x 9 =	\$	<u>18</u> = \$
Ind. Claims	<u>1</u> - 3 = <u>0</u>	x 40 =	\$	<u>80</u> = \$
_____ Multiple Dependent Claims		+ 135 =	\$	<u>270</u> = \$
	Total		\$	<u>710.00</u>

- \_\_\_\_\_ 8. Please charge my Deposit Account No. 05-1323 (Docket # \_\_\_\_\_) in the amount of \$ \_\_\_\_\_.
- X 9. A check in the amount of \$710.00 to cover the filing fee is enclosed.
- X 10. The Commissioner is authorized to charge any fee which may be required under 37 CFR 1.16 or 37 CFR 1.17 or credit any overpayment to Deposit Account No. 05-1323 (Docket #1748X/44438DV).
- X 11. Amend the specification by inserting before the first line the sentence: --This application is a division of application Serial No. 09/106,220, filed June 29, 1998.--
- X 12. Priority of Appln. No. 197 27 588.5-41, filed in Germany on June 28, 1997, is hereby claimed under 35 U.S.C. 119.
- X 13. A certified copy of each said priority document was filed in application Serial No. 09/106,220 on August 13, 1998.
- X 14. The prior application is assigned of record to XCELLSIS GmbH

X

15. The power of attorney in the prior application is to:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; and Jeffrey D. Sanok, Reg. No. 32,169.

- X a. The power appears in the original application papers in the prior application.
- \_\_\_\_\_ b. Since the power does not appear in the original application papers, a copy of the power in the prior application is enclosed.
- \_\_\_\_\_ c. Attached is a duplicate of a Supplemental Declaration which was filed in the prior application to overcome informalities.
- X d. Address all future correspondence to:

EVENSON, McKEOWN, EDWARDS  
& LENAHA, P.L.L.C.  
1200 G Street, N.W.  
Suite 700  
Washington, DC 20005

- X 16. Forms PTO-892 and PTO-1449 listing prior art made of record in the prior application are attached. A copy of each of the listed references should be available in the prior application file.

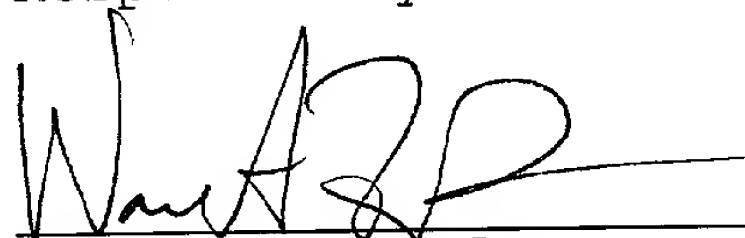
\_\_\_\_\_ 17. A Preliminary Amendment is being filed herewith.

- X 18. Return Receipt Postcard.

\_\_\_\_\_ 19. Other: \_\_\_\_\_

Respectfully submitted,

February 21, 2001

  
Warren A. Zitlau  
Registration No. 39,085

Gary R. Edwards  
Registration No. 31,824

GRE:WAZ:vca  
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